

**Notice of Allowability**

Application No.

09/829,223

Applicant(s)

KOPLAR ET AL.

Examiner

Art Unit

Hunter B. Lonsberry

2623

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/22/06.
2. ☒ The allowed claim(s) is/are 26,27,31,49,51,52 and 73-82.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose nor sufficiently suggest the method for visually transmitting auxiliary data from a monitor of a computer system to a hand held device as claimed in claim 26 where a calculation is preformed on the computer system to determine how to broadcast auxiliary data based on a horizontal frequency of the monitor, transmitting the data in order to provide promotional opportunities to the user of the hand held device based on the processing of the received auxiliary data.

The prior art of record does not disclose no sufficiently suggest the card of claim 31 used for the redemption of promotional opportunities which include light detection hardware electronically connected to the microprocessor and comprising optical filters, a load resistor, a microprocessor trigger and a photo transistor. In particular, the term card, as defined by the applicant is being a device, which may be held in the palm, or between the fingers of the user or easily grasped and manually handled by the user including credit card like devices.

Nemirofsky discloses television activated interactive smart card system used for the redemption of promotional opportunities including money, discounts, value, UPC codes etc. (see col 11 lines 23 - 48).

Nemirofsky discloses the smart card comprises a microprocessor 20 (see fig 5) embedded in the card, a random access memory 30 and programmable memory 26

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electronically connected to the microprocessor 20, and liquid crystal display 42 electronically connected to microprocessor 20 and random access memory 30 and programmable memory 26.

Nemirofsky further discloses a photodetector / scan detector being electrically coupled to microprocessor 20 and memory 36 and 30 (see fig 5), the photo detector is capable of detecting light form a conventional bar code scanner (see col 8 lines 57 - 60, col 9 lines 30 - 33, col 11 lines 23 - 52).

Nemirofsky further discloses a laser detection hardware for detecting the laser light in photodetector 150 means met by the photo detector / scan detector 150 which electronically connected to the microprocessor 20 (see col 14 lines 50 - 55, col 7 lines 58 - 61, fig 5).

However Nemirofsky fails to disclose the light detection hardware in the arrangement as claimed by applicant.

The prior art of record does not disclose nor sufficiently suggest the method of claim 73 where a video signal is broadcasted with encoded coupon data to be entered at a point of sale is received on a hand held device, the coupon data is processed and the device is brought to a point of sale system where it is oriented to a bar code reader on the POS system where the coupon data and serial number of the device are transmitted so that the coupon data may be applied to the sale.

Claims 26, 27, 31, 49, 51, 52 and 73-82 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL

  
Hunter B. Lonsberry  
Patent Examiner  
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